

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7221**

**BILL NUMBER:** SB 465

**NOTE PREPARED:** Apr 8, 2011

**BILL AMENDED:** Apr 8, 2011

**SUBJECT:** Department of Child Services.

**FIRST AUTHOR:** Sen. Lawson C

**FIRST SPONSOR:** Rep. McNamara

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill makes changes to the laws concerning:

- (1) guardianship of a minor;
- (2) regulation of child caring institutions, foster family homes, including therapeutic and special needs foster family homes, group homes, and child placing agencies;
- (3) adoption;
- (4) incentive payments to counties for enforcing and collecting child support;
- (5) juvenile court jurisdiction;
- (6) child abuse and neglect reporting and investigation;
- (7) the child protection index;
- (8) placement of a child in need of services;
- (9) notification requirements regarding proceedings on motions for child testimony by closed circuit television; and
- (10) placement of a child that is a delinquent child.

This bill also has the following provisions:

- (1) Provides that a county domestic violence fatality review team shall review cases in which a person who committed suicide was a victim of an act of domestic violence.
- (2) Permits a court to require a noncustodial parent who has been convicted of certain crimes of domestic violence to require the parent to attend a batterer's intervention program certified by the Indiana Coalition Against Domestic Violence as a condition of receiving unsupervised visitation time.
- (3) Requires that a batterer's intervention program to which a court may order a person to attend must be

certified by the Indiana Coalition Against Domestic Violence.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** This bill does the following.

*Family and Social Services Administration (FSSA):* Under the bill, records held by agencies in FSSA would no longer be accessible in determining if a child's death or near death were the result of abuse, neglect, or abandonment. This will decrease the workload of FSSA to the extent FSSA previously provided these records; however, decreases are expected to be minimal.

*Denial and Revocation of Licensure:* The bill provides that the DCS can revoke or deny applications for licensure for child care institutions, foster homes, group homes, and child placing agencies who have (1) employees and volunteers who have previously operated a child care home or facility without a license and (2) where the applicant or license holder has a juvenile adjudication of an act (see *Disqualifying Criminal Convictions*, below), that if committed by an adult would be a felony.

*Maximum Number of Foster Children:* For therapeutic foster family homes the bill changes the maximum number of foster children that can be provided for (at the same time) from more than 2 foster children to 4 total children. The bill also changes the maximum number of foster children in all other foster homes from 8 to 5 foster children. All foster children that are placed in foster homes that are not compliant with this new requirement on July 1, 2011, may remain placed. However, after July 1, 2011, further foster child placements will be required to meet the maximum capacity requirements. This may increase the need for more therapeutic and special needs foster homes in the state by July 1, 2011.

*Disqualifying Criminal Convictions:* The bill changes the convictions that are considered disqualifying for foster care licensure. Currently, all felony convictions for battery, criminal confinement, carjacking, arson, offenses involving a weapon, offenses relating to controlled substances are considered disqualifying for foster care licensure. The bill will provide that (1) only individuals who have been convicted of the above listed felonies within the past five years (resulting in fewer people disqualified) or (2) individuals adjudicated by a juvenile court for an action that if committed by an adult would be a felony (resulting in more people being disqualified), would be ineligible to receive foster care licensure.

This bill may change the number of individuals who are licensed to provide foster care in the state. Actual changes will depend on how many individuals currently maintain and apply for licensure who have been (1) adjudicated by a juvenile court for an action that would be a felony if committed by an adult and (2) convicted of felony battery, criminal confinement, carjacking, arson, offenses involving a weapon, and offenses relating to controlled substances more than five years ago.

**Explanation of State Revenues:** This bill does the following:

*Court Fee Revenue:* The bill makes changes to family court provisions contained in statute. To the extent this bill changes the number of court cases heard in family court, state revenue from civil fees may change. Any change in the number of family court cases is indeterminable.

If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town

court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**Explanation of Local Expenditures:** The following may *increase* court workload:

- (1) Requiring courts to notify DCS if a child in need of services (CHINS) case is filed or a program of informal adjustment is pending that involves a minor,
- (2) If there are more court hearings for terminations and modifications of guardianship cases as a result of changes in guardianship conditions,
- (3) Requiring courts to notify DCS of actions concerning guardianships, and
- (4) DCS ability to petition the court if parents, guardians, or custodians refuse to allow the Department to interview a child.

**The following may *decrease* court workload:**

- (1) Removing provisions that require the court clerk to notify DCS if an adoption petition is found to be in proper form,
- (2) Clarifying court jurisdiction for modifying (a) the establishment of paternity, (b) child custody, (c) child visitation, and (d) guardianship if there are fewer court filings in courts that do not have appropriate jurisdiction,
- (3) Removing language that requires the probate court to send notifications to prosecuting attorneys under guardianship proceedings, and
- (4) Removing language that requires a local juvenile court to determine if certain allegations, if proven, may have caused the death or near death of a child as the result of abuse, neglect, or abandonment.

**The following provisions may also decrease the workload of:**

- (1) The local community child protection team established in each county by removing language that requires the team to provide diagnostic services and prognostic services for DCS or the juvenile court, and
- (2) The prosecuting attorney by removing language that would allow the prosecuting attorney to file certain information alleging a child's death or near fatality to be the result of abuse, abandonment, or neglect.

The bill may also increase the workload of the county domestic violence fatality review teams to review cases in which a person who committed suicide was a victim of domestic abuse. Currently, there is no information available to determine the number of suicide deaths where the deceased was a victim of domestic violence. For this reason, it is not known how this bill will impact the workload of county domestic violence fatality review teams.

**Explanation of Local Revenues:** *IV-D Incentive Fund:* The bill requires counties to establish a IV-D incentive fund to receive federal IV-D incentive funds from DCS. Currently, IV-D incentive funds are deposited into a receiving county's general fund. The change is expected to have no net fiscal impact.

*Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town

court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:** ISP, DCS, FSSA.

**Local Agencies Affected:** Local courts; Local community child protection teams; Prosecuting attorneys; County domestic violence fatality review teams.

**Information Sources:** Brady Brookes, DCS; Gina Ashley, DCS.

**Fiscal Analyst:** Bill Brumbach, 232-9559.